

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

JULIO A. RODRÍGUEZ-MÉNDEZ,
Defendant.

No. 05-cr-340-ADC
(Related to No. 16-cv-2683-ADC)

EMERGENCY MOTION FOR IMMEDIATE RELEASE

TO THE HONORABLE COURT:

Julio A. Rodríguez-Méndez respectfully moves this Court for immediate release, as he is presently serving time beyond the now-applicable 10-year statutory maximum sentence.

In 2006, Mr. Rodríguez was sentenced to 216 months under 18 U.S.C. § 922(g)(1), enhanced by the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e). *See Judgment, ECF No. 54.* Mr. Rodríguez challenged his ACCA designation and sentence under 28 U.S.C. § 2255, but the motion was denied. *See Rodríguez-Méndez v. United States*, No. 16-cv-2683, ECF No. 27.

On April 8, 2025, the First Circuit reversed, holding that Mr. Rodríguez’s prior convictions under Article 173B of the Puerto Rico Penal Code are not “violent felonies” under the ACCA. *Rodríguez-Méndez v. United States*, No. 20-1360, --- F.4th ----, 2025 WL 1039333 (1st Cir. Apr. 8, 2025). He is thus no longer subject to the ACCA. And, without the ACCA, the maximum penalty here is 120 months. *See* 18 U.S.C. § 924(a)(2) (repealed 2022); *see also Rodríguez-Méndez*, 2025 WL 1039333, at *1 n.1.

Mr. Rodríguez entered federal custody “on or about December 2013.” *See* Supplemental Brief in Support of Petitioner’s § 2255 Motion, *Rodríguez-Méndez v. United States*, No. 16-cv-2683,

ECF No. 8 at 3 n.3. He is presently in custody at FCI Victorville. *See* BOP Locator (search by Reg. No. 27986-069) (last checked Apr. 10, 2025).

A resentencing hearing or amended judgment will follow. But, even if sentenced to the statutory maximum, Mr. Rodríguez has already served approximately 136 months in federal custody, exceeding the lawful ceiling by more than 16 months. With any good-time credits factored in, *see* 18 U.S.C. § 3624(b), his over-service is even more pronounced.

With no basis for continued detention, further incarceration would arbitrarily deprive Mr. Rodríguez of his constitutional due process and liberty rights. *See* U.S. Const., amend. V. Accordingly, we respectfully request that the Court order Mr. Rodríguez's immediate release.

RESPECTFULLY SUBMITTED on April 10, 2025.

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***ECF CERTIFICATION:** I certify that on this date I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, notifying the parties of record.